



IFW

# TRANSMITTAL FORM

to be used for all correspondence after initial filings)

Application Number	10/539,531
Filing Date	June 17, 2005
First Named Inventor	Mark E. Fraley
Art Unit	1625
Examiner Name	To be determined
Attorney Docket Number	21272YP

Total Number of Pages in This Submission

-

## ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

### Remarks

- Seven references enclosed

- Explanation of Relevance of Non-English Documents Under 37 C.R.F. 1.98(a)(3)(i)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name	David A. Muthard	Registration No. (Attorney/Agent)	35,297
Signature		Date	1/23/2006

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this date: January 23, 2006

Typed or printed name  
David A. Muthard

Signature

Date

January 23, 2006

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BR/

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark E. Fraley



Serial No. 10/539,531

Filed: June 17, 2005

For: MITOTIC KINESIN INHIBITORS

Art Unit: 1625Examiner: To be determined

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

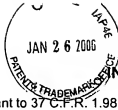
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

A handwritten signature, likely of Mark E. Fraley, written in dark ink.

Date 1/23/06

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BR/



## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: David A. Muthard  
Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 35,297  
MERCK & CO., INC.  
Patent Dept., RY60-30  
P.O. Box 2000  
Rahway, N.J. 07065-0907  
(732)594-3903

Date: January 23, 2006

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BR/



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul J. Coleman, et al.

Serial No.: 10/539,531 Case No.: 21272YP

Filed: June 17, 2005

For: MITOTIC KINESIN INHIBITORS

Commissioner of Patents  
Alexandria, Virginia

Art Unit:

1617

Examiner:

To be determined

EXPLANATION OF RELEVANCE OF NON-ENGLISH DOCUMENTS UNDER 37 C.F.R. 1.98(a)(3)(i)

Sir:

Applicants respectfully note that two (2) of the documents listed on the USPTO 1449 form submitted herewith are not in the English language and a copy of English translations of those documents are not within the possession, custody or control of Applicants, and, to the Applicants knowledge, are not readily available. Below is a concise explanation of the relevance of those non-English documents:

The Russian language publication in *Kimiko Farmatseuticheskii Journal* discloses N-alkyl and N-alkynyl 2,4-diphenyl 1,2,3,6-tetrahydropyridine compounds that are described as analgesic and psychotropic agents.

The German language scientific publication in *Helvetica Chimica Acta* discloses 2-aryl substituted hydrobenzo[a]quinoline compounds, which are described as having analgesic and anti-inflammatory properties.

The instant invention discloses certain 3,5-disubstituted 1,2,3,6-tetrahydropyridines that are inhibitors of the mitotic kinesin KSP and are useful in the treatment of cancer.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY: 

DATE: 1/23/06

Respectfully submitted,

By: 

David A. Muthard  
Reg. No. 35,297  
Attorney for Applicant(s)  
MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-3903

**INFORMATION DISCLOSURE**  
**STATEMENT BY APPLICANT**

**COMPLETE IF KNOWN**[illegible][illegible]

08/18/2008

\*Examiner: Initial if reference considered, when not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication if applicable.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., -712/2005

**INFORMATION DISCLOSURE**  
**STATEMENT BY APPLICANT**

**COMPLETE IF KNOWN**

<b>Application Number</b>	10/539,531
<b>Filing Date</b>	June 17, 2005
<b>First Named Inventor</b>	Mark E. Fraley
<b>Group Art Unit</b>	1625
<b>Examiner Name</b>	To be determined
<b>Attorney Docket Number</b>	21272YP

Examiner  
Initials\*Cite  
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

Lansbury, JACS, 90 (2), pg. 536-7 (1968)

Bruderer, et al., *Helv. Chim. Acta.*, 47, pgs. 1852-9 (1964)

D. A. Comins, *Tetrahedron Letters*, 33, pgs. 6299-6302 (1992)

T. D. Sokolova, et al., *Chemistry of Heterocyclic Compounds*, 33(6), pgs. 676-9 (1997)

K. D. Praliev, et al., Khim. -Farm. Zh., 17(9), pgs. 1053-5 (1983)

N. Yokoyama, et al., J. Med. Chem., 22(5), pgs. 537-553 (1979)

Examiner  
Signature

/Binta Robinson/

Date Considered

08/18/2008

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., -7/12/2005